

Application No. 10/634370
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Amendment
Attorney Docket No. S63.2N-7132-US03

Remarks

This Amendment is in response to the Restriction Requirement dated July 27, 2004 wherein the Examiner identified four inventions. In response Applicants provisionally elect group I, corresponding to claim 33-41.

The Examiner also identified twelve patentably distinct species of the invention as follows:

Species I – Fig. 1
Species II – Fig 2A
Species III – Fig 2B
Species IV – Fig 2C
Species V – Fig 2D
Species VI – Fig 4
Species VII – Fig 5A
Species VIII – Fig 5B
Species IX – Fig 6A
Species X – Fig 6B
Species XI – Fig 7
Species XII – Fig 8

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Applicants provisionally elect the species of FIG. 1 but traverse the requirement on the grounds that it is unnecessary and inappropriate given the nature of the claims which Applicants have provisionally elected to prosecute. As indicated above, Applicants have provisionally elected to pursue the identified invention of Group I, corresponding to *method* claims 33-41. The various species identified in the Restriction Requirement are directed to a variety of apparatuses such as the balloons of species I-V and species VII-XII as well as a bench-top grinder of species VI. As a result, the species election is believed traversed on the grounds that the instant claims are not directed to balloons or bench-top grinders. Furthermore, Applicants note that instant claim 33 is generic to all of the species identified, as the claim is directed to a method of forming a catheter balloon (examples of such balloons being depicted in

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the figures corresponding to species I-V and species VII-XII) using a material removing device (an example of which is the bench-top grinder illustrated in FIG. 4 of species VI).

In addition to the election of the claims of Group I, applicants have also amended herein claim 41 to correct a typographical error.

In light of the above, Applicants believes that the present application, with claims 33-41 is in condition for allowance. Favorable consideration and prompt action to that effect is sincerely requested.

Should the Examiner believe that anything further would be desirable in order to place the application in better condition for allowance, the Examiner is invited to contact the Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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Date: August 6, 2004

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